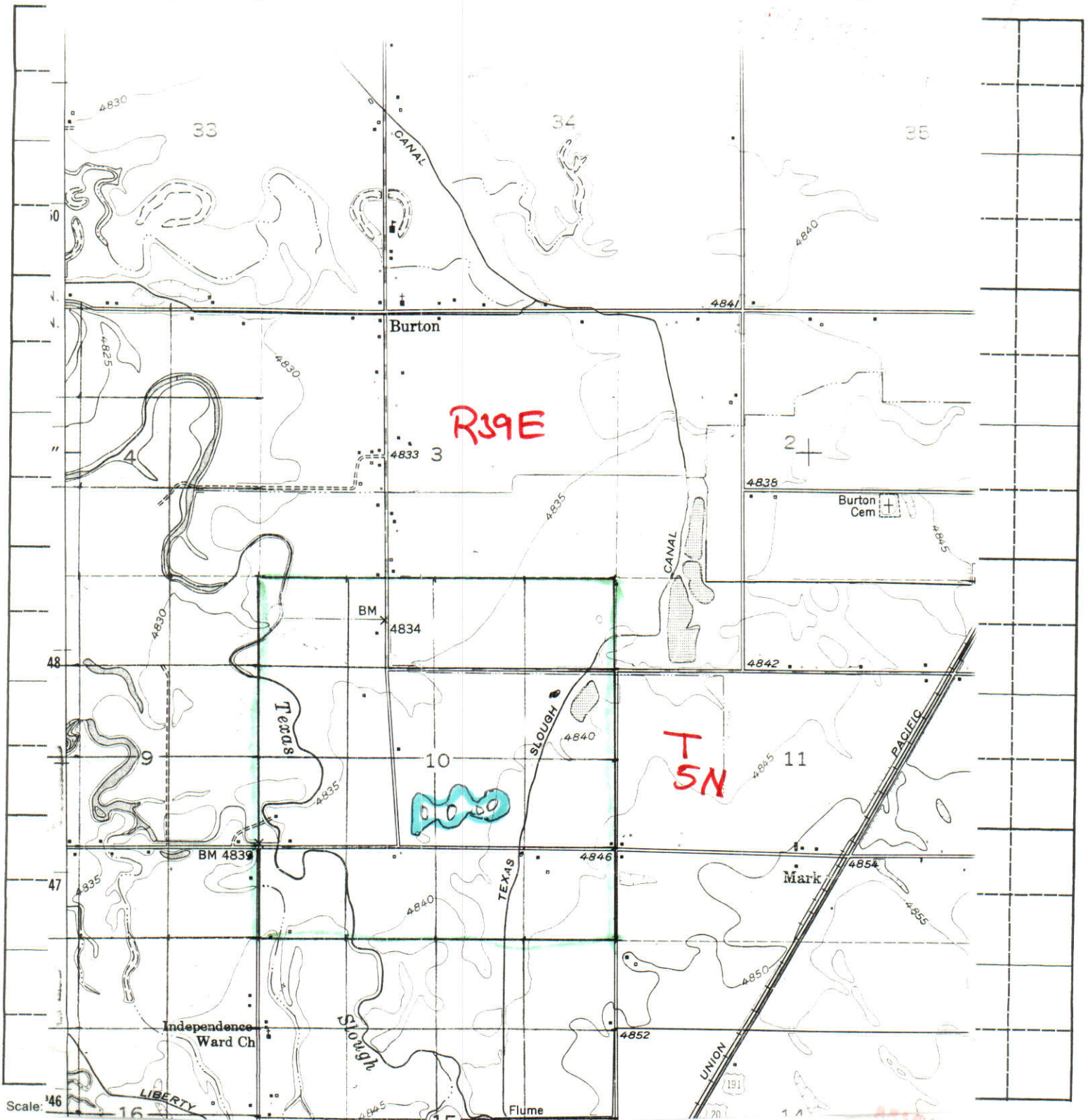


22-7745

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Richard L. G. J.
(Applicant)
Title - *President*
NOV 13 1992
APPROVED

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, TERRY WEATHERSTON being
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL,
a semi-weekly newspaper printed and
published semi-weekly at Rexburg,
Madison County, Idaho; and I do solemnly
swear that the

NOTICE OF APPLICATION WATER a copy
of which notice appears attached hereto,
was published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

TWO consecutive issues, the
first publication having been made on
AUGUST 6, 1992 and the last
publication having been made on
AUGUST 13, 1992.

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
Statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 14TH day of AUGUST in
the year of 1992, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
to be the person whose name subscribed
to the within instrument, and being by
me first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Gayle H. Judd
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

22-07745

EMERALD PONDS ANGLERS
545 SHOUP AVE
IDAHO FALLS, ID 83402
Source: GROUNDWATER
Diversion Pt: NWSE Sec 10 T 05N R
39E in MADISON County.
Use: RECREATION (200.00 AF) Total
Diversion: (200.00 AF)
Date Filed: 6/30/1992
In: MADISON County T05N R39E S10
NESW NWSE

22-07746

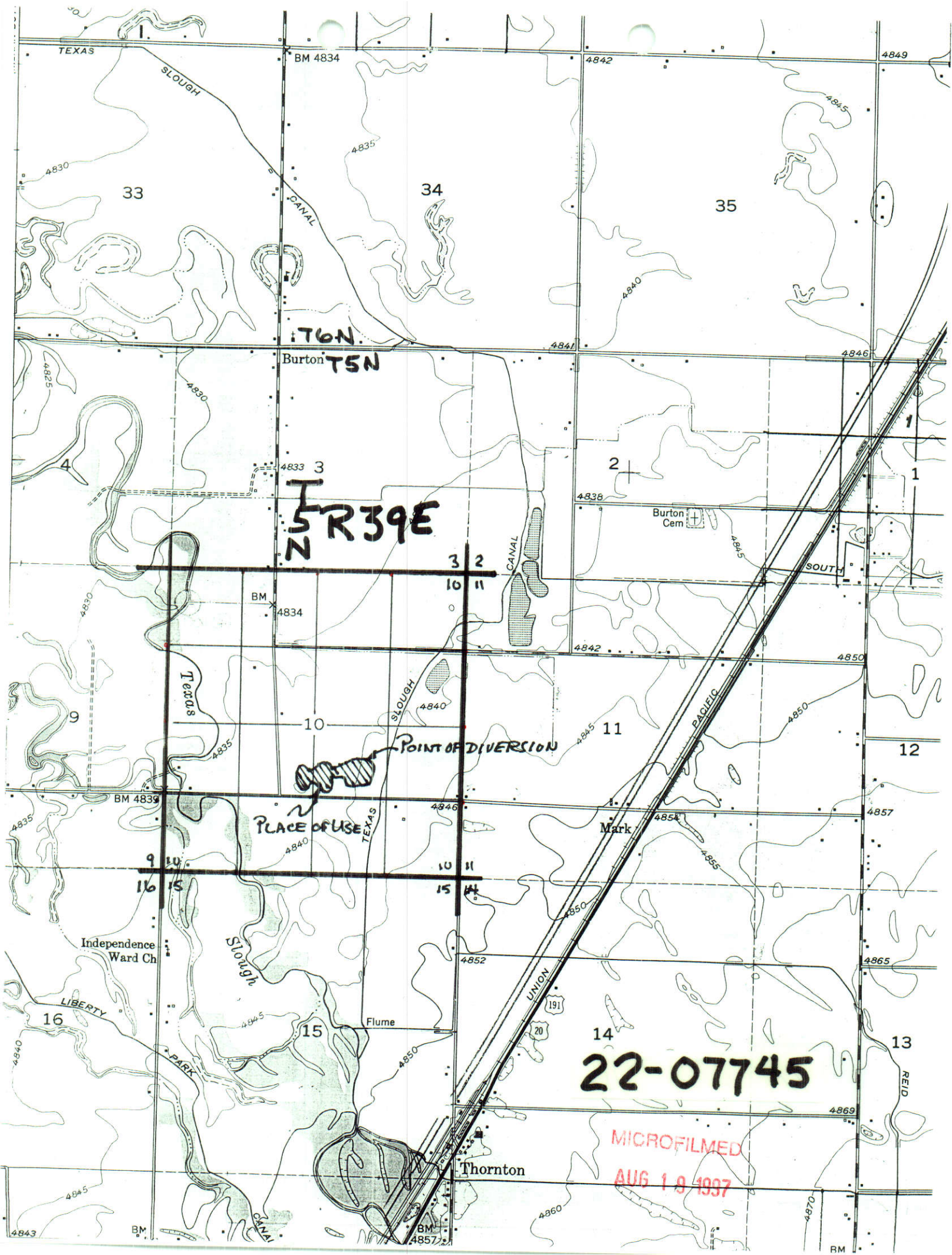
US DEPT OF AGRICULTURE
FOREST SERVICE
TARGHEE NATIONAL FOREST
PO BOX 208
ST. ANTHONY, ID 83445
Source: GARNER CREEK Tributary:
NORTH MOODY CREEK
Diversion Pt: SWSNE Sec 8 T 04N R
42E in MADISON County.
Use: STOCKWATER (.015 CFS) Total
Diversion: (.015 CFS)
Date Filed: 6/24/1992
In: MADISON County T04N R42E S05
NWSE

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Eastern Region, 150 Shoup Avenue,
Suite 15, Idaho Falls, Idaho 83402 on or
before AUGUST 24, 1992.

R. KEITH HIGGINSON
Director

Publ. Aug. 6 and 13, 1992J.

NOTIFIED
NOV 13 1992



TEXAS

BM 4834

4842

4849

SLOUGH

33

34

35

T6N

Burton T5N

4833 3

5R39E

2

4838

Burton Cem

BM

4834

3 2

10 11

CANAL

SOUTH

TEXAS

10

POINT OF DIVERSION

SLOUGH

4840

BM 4839

PLACE OF USE

4840

TEXAS

Mark

4851

12

9 10

16 15

10 11

15 14

Independence Ward Ch

Slough

LIBERTY

16

Flume

15

14

22-07745

13

Thornton

MICROFILMED
AUG 19 1997

BM

BM

BM

717
T-892

22.2
1 HEL

20.6
2 NHCL

12.7
3 NHCL

716
T-891
15.2
4 HEL

15.1
6 NHCL

746
890

21.0
5 HEL

20.9
7 HEL

29.9
8 HEL

30.8
2 NHCL

out

3.2
3 HEL

1.1
1 HEL

R39E

T
5
N

690
T-848

10

POINT OF DIVERSION

25.2
5 HEL

38.9
6 HEL

22.2
7 HEL



AUG 19 1997

43.0
1 HEL

PLACE OF USE

1442
T-95

3.5
5 NHCL

4.2
6 NHCL

23.7
7 HEL

13.7
1 HEL

32.8
1 NHCL

22-07745

1746
T-888

8.0
2 NHCL

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07745

Priority: July 18, 1992

Maximum Storage Volume:

64.8 AF

This is to certify, that EMERALD PONDS ANGLERS

C/O RICHARD CLAYTON JR

545 SHOUP AVE

IDAHO FALLS ID 83402

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 30, 1992; and has submitted Proof of Beneficial Use on December 19, 1994. An examination indicates that the works have a storage capacity of 64.800 af of water from:

POND

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		64.8 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 10, Township 05N, Range 39E
MADISON County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

05N 39E 10

NESW

NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this right shall be non-consumptive.
5. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation.
6. Recreation storage is for a private fishing pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12th day of AUGUST, 1997.

MICROFILMED

AUG 19 1997

Acting for

KARL J. DREHER Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-07745)
)
IN THE NAME OF EMERALD PONDS ANGLERS) **ORDER OF**
) **REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before December 1, 1994; and,

WHEREAS, the Department notified the permit holder on September 30, 1994, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder on December 8, 1994, that the permit had lapsed for failure to submit an acceptable proof of beneficial use or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on December 19, 1994;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 22-07745 be REINSTATED with an advance in priority to July 18, 1992.

Dated this 3rd day of January, 1995.



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
JAN 19 1995

RECEIVED

DEC 19 1994

FOR OFFICE USE ONLY
Amt. of Fee \$: 125.00
Receipt No. 0031855
Receipt By: RT
Date Received: 12-19-94

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07745 Telephone No. 208-522-7784

2. Name(s) of Permit Holder(s): EMERALD PONDS ANGLERS

3. Mailing Address: 545 SHARP AVE, IDAHO FALLS, ID. 83402

4. Source of Water: GROWN WATER SUB-GRAVEL PIT If GROUNDWATER (well), Date Drilled: mo. N/A / yr. N/A

a. Well Driller: N/A Drilling Permit Number: N/A

b. OPTIONAL:
Pump Horsepower: N/A Pressure (psi): N/A Dynamic pumping level (ft): N/A

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): N/A Stockwater (No. and type of stock): N/A

Irrigation (No. of acres): N/A Other: RECREATION FISH POND

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 20 AC. FT. acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No NO
Has the measuring device been installed? Yes _____ or No NO

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No NO
Has the measurement port been installed? Yes _____ or No NO

8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Richard L. Clayton Jr. Telephone Number: 522-7784

Address: 545 Sharp Ave Idaho Falls, Id.

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Richard L. Clayton Jr. Date: 12/19/94
(include your title, if on behalf of company or organization)

RECEIVED
JAN 19 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07745

Proposed Priority: June 30, 1992

Maximum Storage Volume: 200.0 AF

This is to certify, that **EMERALD PONDS ANGLERS**
C/O RICHARD CLAYTON JR
545 SHOUP AVE
IDAHO FALLS ID 83402

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31		200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 10, Township 05N, Range 39E
MADISON County

PLACE OF USE: RECREATION
TWN RGE SEC

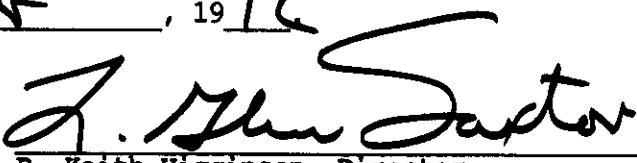
05N 39E 10 NESW NWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right shall be non-consumptive.
5. Recreation use is for a private, non-commercial fish pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

4th day of November, 1992

for 
R. Keith Higginson, Director

MICROFILMED

NOV 13 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant EMERALD PONDS ANGLERS c/o Richard Clayton Jr Phone 522-7784
Post office address 545 SHOUP AVE IDAHO FALLS ID 83402
2. Source of water supply GROUNDWATER which is a tributary of
3. Location of point of diversion is 1/4 of NW 1/4 of SE 1/4, Govt. Lot
Sec. 10 Township 5N Range 39E B.M. Madison County; additional
points of diversion if any:
4. Water will be used for the following purposes:
Amount 200 AF for RECREATION purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) and/or (b) 200 AF
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Existing pond for recreational use.

b. Height of storage dam N/A feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet; period of year when water will be diverted to storage:
 to inclusive.
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

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NOV 13 1992

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Fish pond, gravel pits that fill with sub water, private use, no commercial use.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	39E	10									R					R			

Total number of acres to be irrigated _____

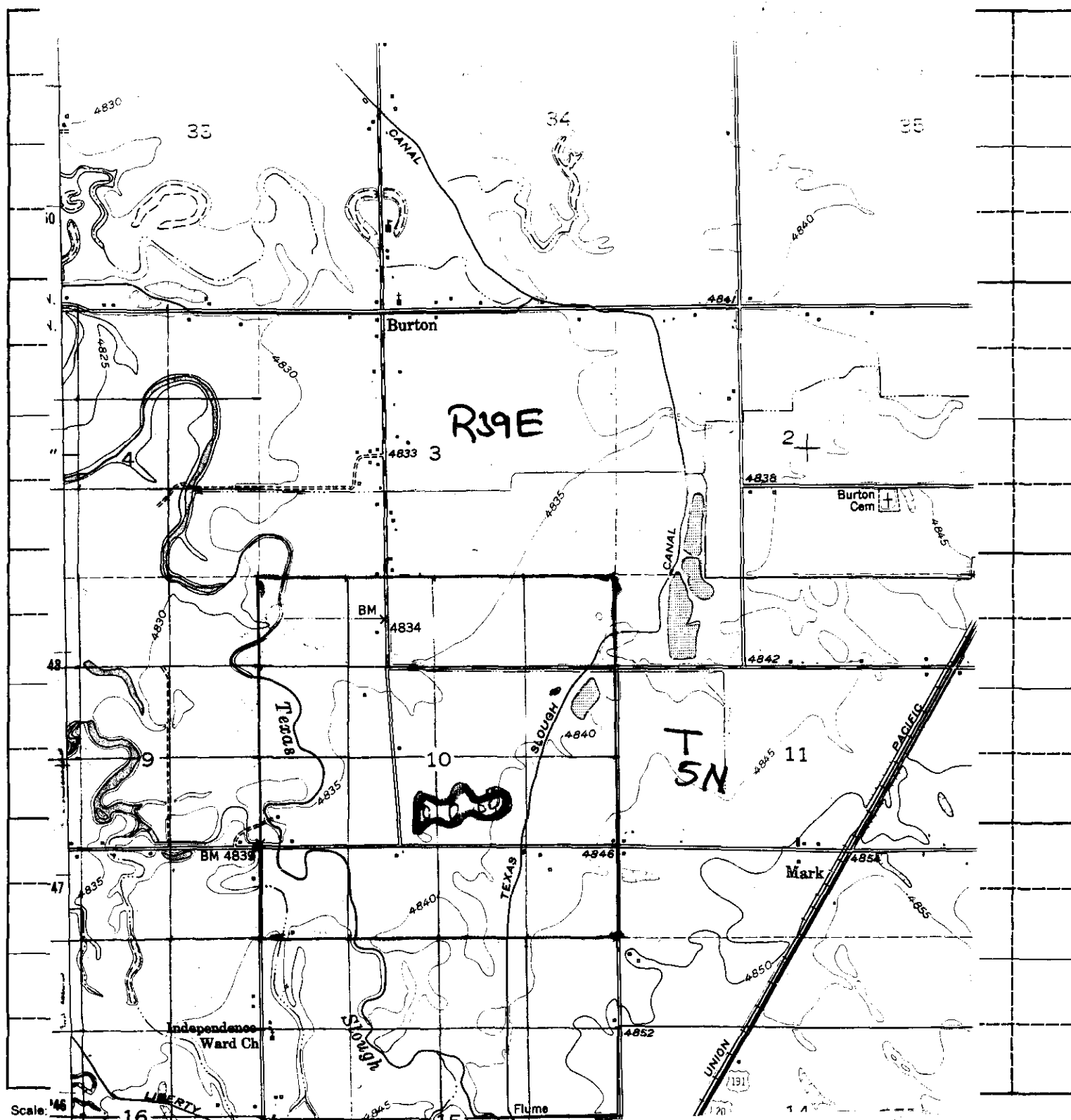
10. Describe any other water rights used for the same purposes as described above. None

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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NOV 12 1992

13. **Map of proposed project:** show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Title - President

Received by LB Date 6-30-92 Time 1:20 Preliminary check by _____
Fee \$ 65⁰⁰ Receipted by HWT # E017562 Date 6-30-92
Publication prepared by LB Date 8-6-92 Published in Lexburg Standard
Publication approved LB Date 8-3-92

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED
NOV 13 1992

STATE OF IDAHO
County of Madison

I, FERRY WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

NOTICE OF APPLICATION WATER a copy
of which notice appears attached hereto,
was published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

TWO consecutive issues, the first publication having been made on AUGUST 6, 1992 and the last publication having been made on AUGUST 13, 1992 .

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Jerry Weathurst

STATE OF IDAHO
COUNTY OF MADISON

On this 14TH day of AUGUST in the year of 1992, before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

same.

Ray H. Ford
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

[illegible]

NOV 13 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 13, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EMERALD PONDS ANGLERS
C/O RICHARD CLAYTON JR
545 SHOUP AVE
IDAHO FALLS ID 83402

RE: WATER RIGHT NO. 22-07745

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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AUG 16 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

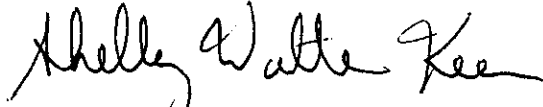
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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AUG 19 1997

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

AUG 19 1997

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 22-07745

EMERALD PONDS ANGLERS
C/O RICHARD CLAYTON JR
~~545 SHOUP AVE~~ 255 B STREET, STE 200
IDAHO FALLS ID 83402

Kari Lynn Townsend
Kari Lynn Townsend
Secretary

MICROFILMED
AUG 19 1997

I R-DEPARTMENT MEMO--1

FROM

Kari Lynn

DATE 7-17-97

TO

File # 22-07745

SUBJECT

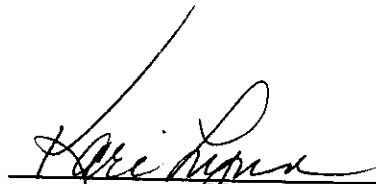
address Correction

Checked phone book for Richard Clayton, Jr.
number is 522-7784 and is a realty office. They
gave a new address for Richard, Jr. of:

255 B Street, Suite 200
Idaho Falls, Id 83402

MICROFILMED

AUG 19 1997

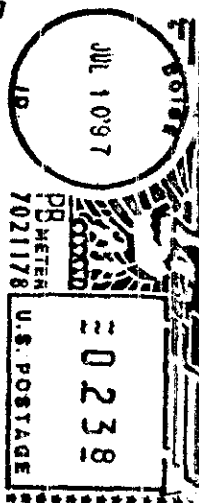

SIGNATURE

WRZ updated
8-13-97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



RECEIVED

JUL 16 1997

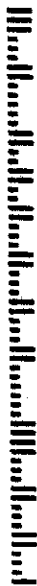
Department of Water Resources

MICROFILMED
AUG 19 1997

CLAYSON INVESTMENT
CLAYSON INVESTMENT
255 B ST STE 200
IDAHO FALLS ID 83402-3560

RETURN TO SENDER

AUTO 23





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EMERALD PONDS ANGLERS
C/O RICHARD CLAYTON JR
545 SHOUP AVE
IDAHO FALLS ID 83402

RE: WATER RIGHT NO. 22-07745

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within fourteen (14) days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

If you have any questions, please call me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

AUG 19 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EMERALD PONDS ANGLERS
C/O RICHARD CLAYTON JR
545 SHOUP AVE
IDAHO FALLS ID 83402

RE: WATER RIGHT NO. 22-07745

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

AUG 19 1997

MEMORANDUM

TO: File 22-07745

FROM: Sharla Curtis

DATE: June 5, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 22-07745 are based on the following:

H. RECOMMENDATIONS

Recreation Storage	1/1 - 12/31	64.8 afa
--------------------	-------------	----------

The correct term for the use of water under this right is recreation storage; there is no direct flow parameter to the right. The department erred when the permit approval listed recreation as the use with only a volume parameter. It should have been listed as recreation storage at that point.

The source of water under this right is a pond. The original application listed groundwater as the source and it is easy to see why the source could have been interpreted as groundwater. The application, however, identified the proposed diverting works as an existing pond. So no amendment is required to make this clarification.

Examiner: Keith Wilson
Exam Date: May 30, 1996

MICROFILMED

AUG 19 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07745

DATE 6/7/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change/clarification of originally intended source? <u>YES</u>
POINT OF DIV	<u>✓</u>	<u>✗</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate

Fee limit

Measured

Theoretical

200.0 cfs af
2.0 cfs \$12500 (200 af)
64.8 cfs
— cfs

2.4
7
9

Recommended Total Div Rate — cfs

ANNUAL VOLUME/
NATURE OF USES ✓

Use

Volume Calculation

$9 ac = 392,040 ft^2 \times 18' \times .4$
43,560 = 64.8 af

Rec Stor 64.8 af
— af
— af
— af
SUBTOTAL — af

Flow rate — cfs X — days X 1.9835 = — af

Total volume recommended — af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

Is private fishing pond.

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

— Overlap 027, 072

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo

source
use term

1st Amend Letter ✗

2nd Amend Letter ✗

P39

P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 23 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7745

1. Owner: EMERALD POND ANGLETS
50 Richard Clayton Jr

Phone No. 589-4665

Current Address: 545 Shoup Ave, Idaho Falls ID 83402

2. Accompanied by: — EXAM DATE: 5-30-96

Address: — Phone No. —

Relationship to Permit Holder: —

3. Source: POND tributary to SINKS

B. OVERLAP REVIEW

- Other water rights with the same place of use: —
- Other water rights with the same point of diversion: —

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	10	5N	39E	MADISON	ON SITE / FSA Aerial (AICS) / USGS MAP

2. Place(s) of Use:

Indicate Method of Determination PLANIMETER

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	39E	10																	

MICROFILMED

AUG 19 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PLANIMETER		LASICO	42P	B-90849	-	-

2. Measurements: SURFACE AREA = 9 ac (PLANIMETER)

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AUG 19 1997

E. NARRATIVE/REMARKS/COMMENTS

USE IS A RECREATIONAL POND Max depth 18' (according to owner)

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
AUG 19 1997

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$V_{OL} = 0.4 \times \text{Surface AREA} \times \text{Max Depth} = (0.4)(9ac)(18') = 64.8 af$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
RECREATION	1/1	12/31	-	64.8 af
Totals:				64.8 af

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

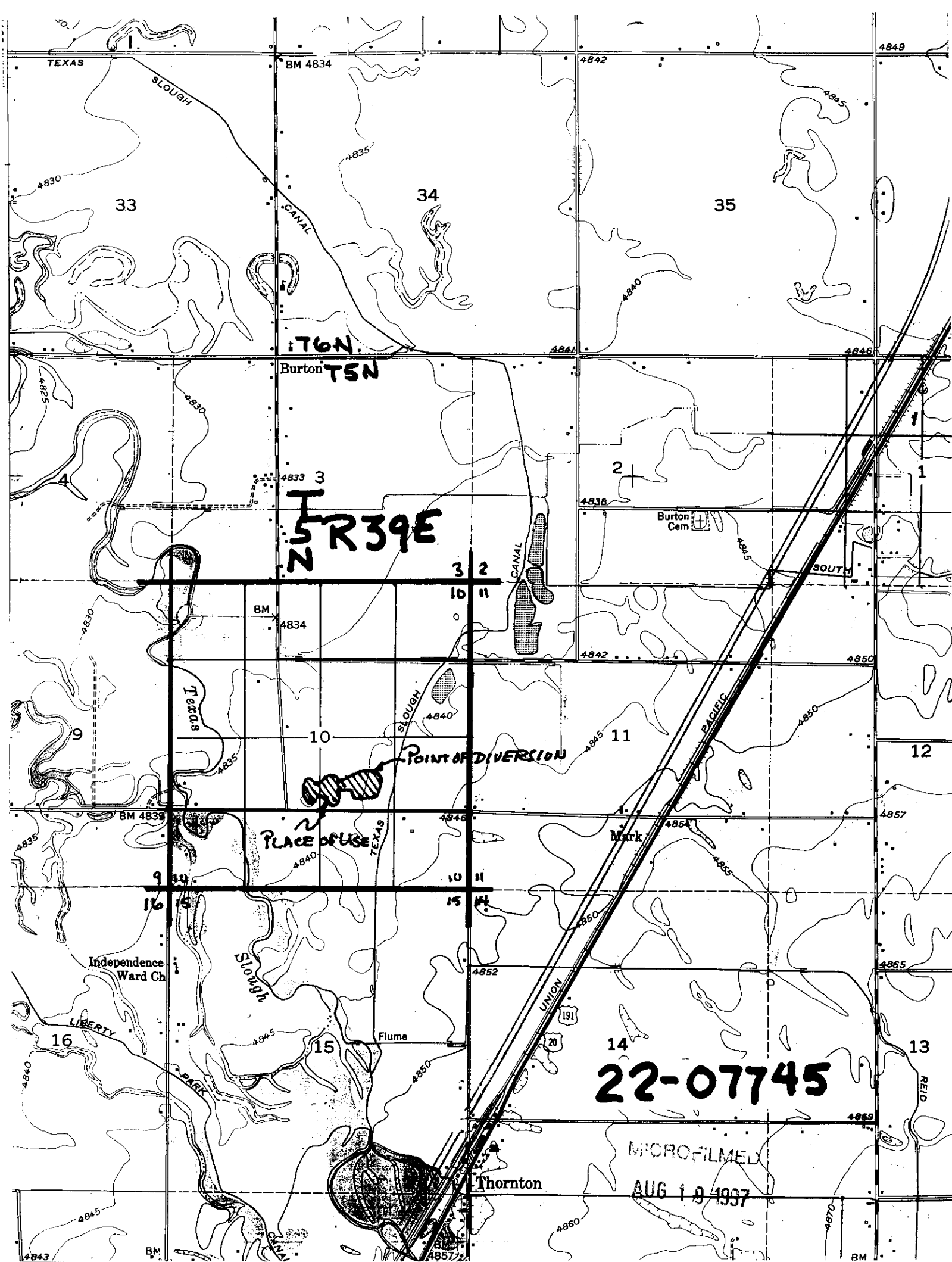
I. AUTHENTICATIONField Examiner's Name KETH C. WILSON Date 5-30-96

Reviewer _____ Date _____

SEAL

MICROFILMED

AUG 19 1997



22.2

1 HEL

-892

13.7

3 NHCL

716

T-891

9.2

14 HEL

15.1

6 NHCL

29.9

8 HEL

3.2

3 HEL

0147

1.1

140

R39E

152

690

T-848

25.2

5 HEL

38.1

6 HEL

22.2

7 HEL

43.0

1 HEL

4.2

6 NHCL

22-07745

8.0

Permit No. 22-07745 Reviewed by [Signature] Date 12-28-94

TYPES OF USE

Recreation

Correct Uses? yes

SOURCE OF WATER

☒ Ground water source

	Copy in the file?	Drilling Permit No.
--	-------------------	---------------------

Correct?

 Well log in the file?

MEASURING DEVICE

no Required?

Installed?

 Waiver requested?

Date proof received 12-19-94

Date proof due 12-1-94 -

No. of days late $\underline{18} = 18$

Priority Date 6-30-92 + 181

New Priority Date 7-18-92 199

7/18/92

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance priority to July 18, 1992.

Proof acceptable

New Address 11 Proof Made 12-19-94

Proof Made 12-19-94



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 4, 1995

EMERALD PONDS ANGLERS
545 S SHOUP AVE
IDAHO FALLS ID 83402

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 22-07745

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to July 18, 1992.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED
JAN 19 1995

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.



December 8, 1994

EMERALD PONDS ANGLERS
C/O RICHARD CLAYTON JR
545 SHOUP AVE
IDAHO FALLS ID 83402

LAPSE NOTICE

RE: PERMIT NO. 22-07745

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

JAN 19 1995

CERTIFICATION OF MAILING

I hereby certify that on 12/9/94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

September 30, 1994

EMERALD PONDS ANGLERS
C/O RICHARD CLAYTON JR
545 SHOUP AVE
IDAHO FALLS ID 83402

PROOF DUE NOTICE

RE: PERMIT NO. 22-07745

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

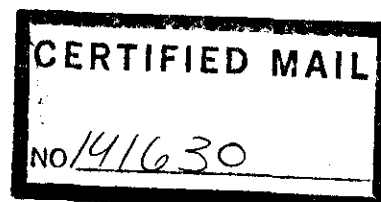
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECORDED

JAN 19 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 6, 1992

EMERALD PONDS ANGLERS
C/O RICHARD CLAYTON JR
545 SHOUP AVE
IDAHO FALLS ID 83402

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07745

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

Brenda L. Miller

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

RECEIVED
NOV 13 1992

APPLICATION FOR PERMIT REVIEW

Application #: 22-7745 Date: 10-29-92 Reviewer: Brenda Miller

BLM

SYSTEM COMPLETED:

No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - NMR <fl ch>, A of C SNAKE RIVER BASIN
 LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. 01
 Surface water - R04, R04-01H-P01 (LT.2 w/pump)
 R04-01J-P08 (GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - R (1, Blank or Other)
 Trust - 051-052-053-P74 (Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: - 12-01-1994

Other Conditions/Remarks: -

*(W07. does not apply. No diversion
 to pond to ~~take the place~~
 replace evaporation loss.)*

Cik to advertise

Dist. for staffing: 10-Jul-1992
Submitted for advertising: 7-10-92

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HCT **DATE** _____ **APPLICATION NO.** 22-7745
APPLICANT NAME: EMERALD PONDS ANGLERS

REQUIRED INFORMATION

- ____ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION

- ____ Overlapping place of use (Describe source & relationship to present application on the back.)
____ Overlapping point of diversion
____ Yes _____ No Field check required
____ Yes _____ No Field check by _____
____ Yes _____ No Field report attached
____ Yes _____ No Critical groundwater area
____ Yes _____ No Groundwater management area
____ Yes _____ No Send dam safety information
____ Yes _____ No Send power requirement letter
____ Yes _____ No Send fish farm requirement letter
____ Yes _____ No Power residency affidavit
____ Yes _____ No Power efficiency form
____ Yes _____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
____ Yes _____ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
SEP 9 1992

Department of Water Resources

SEND COPIES TO

FINAL REGIONAL PROCESSING REVIEW

~~Yes~~ ~~No~~
Yes No

See below for additional information

Date of priority recommended 6-30-1992
By HWT Date 9-3-92

By _____ See below for additional information
Date _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation District
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Division of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

28-Jul-1992

RICHARD CLAYTON JR
EMERALD PONDS ANGLERS
545 SHOUP AVE
IDAHO FALLS ID 83402

RE: Application No. 22-7745

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Rexburg Standard Journal on 8-6 & 13-92. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb

RECORDED

NOV 13 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 22, 1992

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 24, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

NOV 13 1992

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

RECEIVED

NOV 18 1911

22-07745

EMERALD PONDS ANGLERS
545 SHOUP AVE
IDAHO FALLS, ID 83402

Source: GROUNDWATER

Diversion Pt: NWSE Sec 10 T 05N R 39E in MADISON County.

Use: RECREATION (200.00 AF)
Total Diversion: (200.00 AF)

Date Filed: 6/30/1992

In: MADISON County
T05N R39E S10 NESW NWSE

NOV 18 1992